



DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TOSO, the specification of which

(check  
one)

☐

is attached hereto.

☒

was filed on August 17, 1998 as  
Application Serial No. 09/135,238  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/066,063</u> (Application Serial No.)	<u>November 17, 1997</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

Direct all telephone calls to David J. Brezner at (415) 781-1989.

Address all correspondence to:

David J. Brezner  
FLEHR, HOHBACH, TEST,  
ALBRITTON & HERBERT  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

File No. A-65635-1/DJB/RMS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

Garry P. Nolan

Inventor's signature:

X Garry P. Nolan

Date:

X 1/20/99

Residence:

Palo Alto, CA

Citizenship:

US

Post Office Address:

784 Alester Avenue

Palo Alto, CA 94303

Full name of second joint  
inventor, if any:

Yasumichi Hitoshi

Inventor's signature:

X

Date:

X

Residence:

Mountain View, CA

Citizenship:

JP

Post Office Address:

672 Chiquita Ave., #4

Mountain View, CA 94041

Full name of third joint  
inventor, if any:

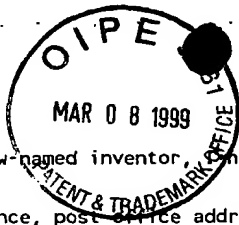
Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:



## DECLARATION FOR PATENT APPLICATION

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Priority Claimed

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

☐☐

Yes

No

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

☐☐

Yes

No

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

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Yes

No

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60/066,063  
(Application Serial No.)

November 17, 1997  
(Filing Date)

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(Status)

(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

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Full name of sole or  
first inventor:

Garry P. Nolan

Inventor's signature:

X

Date:

X

Residence:

Palo Alto, CA

Citizenship:

US

Post Office Address:

784 Alester Avenue

Palo Alto, CA 94303

Full name of second joint  
inventor, if any:

Yasumichi Hitoshi

Inventor's signature:

X Yasumichi Hitoshi

Date:

X 2/24/99

Residence:

Mountain View, CA

Citizenship:

JP

Post Office Address:

672 Chiquita Ave., #4

Mountain View, CA 94041

Full name of third joint  
inventor, if any:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Applicant or Patentee: NOLAN, et al.

Serial or Patent No.: 09/135,238

Attorney's Docket No.: #5

A-65635-1/DJB/RMS

Filed or Issued: August 17, 1998

For: TOSO

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION The Board of Trustees of the Leland Stanford Junior University

ADDRESS OF ORGANIZATION 900 Welch Road., Suite 350, Palo Alto, CA 94304

**TYPE OF ORGANIZATION**

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))

☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE \_\_\_\_\_) (CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) or (b) of Title 35, United States Code, with regard to the invention entitled **TOSO** by inventor(s) **NOLAN, et al.** described in application serial no. 09/135,238, filed August 17, 1998.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization having rights to the invention as listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ Individual      ☐ Small Business Concern      ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

☒ NAME OF PERSON SIGNING Katharine Ku

☒ TITLE IN ORGANIZATION Director, Technology Licensing

ADDRESS OF PERSON SIGNING 900 Welch Road, Suite 350, Palo Alto, California 94304

☒ SIGNATURE

Katharine Ku

☒ DATE

3/3/99



**POWER OF ATTORNEY BY ASSIGNEE**

(Not Accompanying Application)

The undersigned assignee of the entire interest in application for letters patent entitled:  
**TOSO**

and having the named inventors: NOLAN, et al.

and having Serial No.: 09/135,238 and filing date of August 17, 1998

hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32:

Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Thomas O. Herbert, Reg. No. 18,612; Donald N. MacIntosh, Reg. No. 20,316; Jerry G. Wright, Reg. No. 20,165; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Richard E. Backus, Reg. No. 22,701; James A. Sheridan, Reg. No. 25,435; Robert B. Chickering, Reg. No. 24,286; Gary S. Williams, Reg. No. 31,066; Richard F. Trecartin, Reg. No. 31,801; Walter H. Dreger, Reg. No. 24,190; Steven F. Caserza, Reg. No. 29,780; William S. Galliani, Reg. No. 33,885; Laura L. Kulhanjian, Reg. No. 33,257; Julian Caplan, Reg. No. 14,785; Robin M. Silva, Reg. No. 38,304.

provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to David J. Brezner at (415) 781-1989.

Address all correspondence to:

**FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP**  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187

Assignee: The Board of Trustees of the Leland Stanford Junior University

By: ☒ Katharine Ku  
(typed name)

Signature: ☒ *Katharine Ku*

Address: 900 Welch Road, Suite 350, Palo Alto, California 94305

Date: 3/3/99

File No. A-65635-1/DJB/JPB

04/95